

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION FOR ARBITRATION OF AN)	
INTERCONNECTION AGREEMENT BETWEEN)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	CASE NO.
AND US LEC OF TENNESSEE, INC.)	2000-419
PURSUANT TO THE TELECOMMUNICATIONS)	
ACT OF 1996)	

O R D E R

BellSouth Telecommunications, Inc. ("BellSouth") has petitioned for arbitration seeking resolution of certain issues between itself and US LEC of Tennessee, Inc. ("US LEC"). BellSouth asserts that its interconnection agreement with US LEC was slated to expire August 20, 2000, but that both parties have agreed to continue service pursuant to the terms of that agreement until a new interconnection agreement is in effect. Such an agreement, according to BellSouth, will be retroactive to August 20, 2000. US LEC has not filed any response to BellSouth's petition for arbitration. The Commission must make a decision in this case by no later than December 22, 2000, unless the parties agree that their negotiations began at a point later than indicated in BellSouth's petition. BellSouth seeks arbitration of nine issues.

The Telecom Act of 1996 imposes strict deadlines upon this proceeding. Brevity, as well as clarity of expression and position, is of the essence. It is imperative that the Commission receive appropriate information in a timely manner. Accordingly, the following guidelines and procedural schedule shall apply to this proceeding. The purpose of this proceeding is to explore specific arbitration issues, not to engage in tangential or philosophical debate.

When the parties essentially have agreed as to a particular issue, but they have not been able to agree as to the precise language to express the agreement, the Commission will not hear argument on the issue in this proceeding. Reduction of the proposed agreement to writing is the responsibility of the parties. BellSouth has already submitted its proposal contract language. US LEC may submit its proposed version of the contract term in its best and final offer, which shall be submitted no later than October 31, 2000.

Although the Commission is not bound by the technical rules of legal evidence, KRS 278.310, the parties hereto are hereby put on notice that cumulative, repetitive, and irrelevant evidence will not be heard in the formal hearing in this matter. Unless special leave is granted, opening and closing statements will not be permitted. In addition, unless special leave is granted, all direct testimony shall be prefiled. All testimony at the formal hearing shall be offered pursuant to cross-examination or redirect examination, provided, however, that in light of the time constraint, rebuttal testimony will be permitted.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. A formal hearing in this matter is scheduled for November 30, 2000, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
2. Relevant cost studies, including workpapers, and any other documents and information necessary to resolve outstanding issues shall be filed by October 27, 2000.

3. Prefiled testimony shall be filed by October 31, 2000 and hearing testimony is limited to cross-examination or redirect examination and rebuttal testimony.

4. Any party filing testimony shall file an original and 12 copies. The original and at least 3 copies of the testimony shall be filed as follows:

- a. Together with cover letter listing each person presenting testimony.
- b. Bound in 3-ring binders or with any other fastener which readily opens and closes to facilitate easy copying.
- c. Each witness's testimony should be tabbed.
- d. Every exhibit to each witness's testimony should be appropriately marked.

5. Any agreed-upon portions of the parties' contract which have not already been filed shall be filed by October 31, 2000.

6. Each party shall submit, in contract form, its best and final offer on each disputed issue no later than October 31, 2000.

7. An informal conference is scheduled to be conducted on October 27, 2000 at 1:30 p.m., Eastern Daylight Time, in Conference Room 1 of the Commission's offices at the address listed above.

Done at Frankfort, Kentucky, this 19th day of October, 2000.

By the Commission

ATTEST:

Deputy W. H. Fowler
Executive Director